

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3478 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHANDUBHAI PURSHOTTAMDAS NAYAK

Versus

THE STATE OF GUJARAT, NOTICE TO BE SERVED THROUGH THE

Appearance:

MR AJ PATEL for Petitioners

MR VM PANCHOLI, AGP, for Respondent No. 1

RULE SERVED for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/06/1999

ORAL JUDGEMENT

Heard Mr A.J.Patel for the petitioner and Mr
V.M.Pancholi, learned AGP, for the respondents.

2 The petitioner has challenged the order passed by
the competent authority rejecting the petitioner's
application for exemption under section 21 of the Urban
Land (Ceiling & Regulation) Act, 1976, and the order of
the Tribunal confirming the same. While admitting this

matter, this Court had restrained the respondents from proceeding further. Hence, the notification under section 10(3) of the Act could not be issued. There was no question of taking over the possession of the land in question.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)

(mohd)